

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Program Name: Vocational Rehabilitation (VR)

Policy Number: VR-2.1-v5

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CHAPTER 2: Client Information and Case Requirements

Section 2.1: Protection, Use, and Release of Client Information

I. Policy Statement

This policy provides guidance regarding the protection, use, and release of an applicant's/client's personal and Vocational Rehabilitation (VR) information.

II. Authority

Authority for policies contained in this document includes the following:

- Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3101 et seq.
- Title IV Amendments to the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.
- State Vocational Rehabilitation Services Program, 34 CFR § 361.38, Protection, use, and release of personal information.
- Arizona Revised Statutes
 - § 23-502, and
 - § 23-503.
- Arizona Administrative Code, Title 6, Chapter 4, R6-4-405, Confidentiality.
- DES Policy:
 - Safeguarding Protected Information 1-07-07.
 - Information Technology [SC] System and Communications Protection Policy 1-38-8350.

III. Applicability

This policy applies to applicants, clients, and their legal guardians who wish to obtain an applicant's/client's specific VR records, to obtain all of the applicant's/client's VR records, or to dispute inaccurate information.

IV. Standards

A. An applicant/client or their legal guardian can:

1. Request to release the applicant's/client's VR records to themselves or a designated person or organization,
 2. Request to release the applicant's/client's VR information via verbal communication (phone calls, in-person communication, text, email) to a designated person, and
 3. Request to amend inaccurate applicant/client VR information.
- B. VR must inform applicants/clients of the following:
1. The policies regarding the protection, use, and release of their personal information,
 2. When it is optional for the client to provide information requested by VR, and
 3. The potential impact of not providing the requested and essential information may result in unfavorable case decisions.
- C. **Request to Release VR Information**
1. An applicant/client must complete and submit the Release of RSA Information form to either:
 - a. The RSA Custodian of Records, via email at RSARecords@azdes.gov to request records, or
 - b. VR personnel.
 2. A Release of RSA Information form, provided by the applicant/guardian to VR personnel, must be sent to the Custodian of Records within two business days of VR receiving the form.
 3. An applicant/client with a Supported Decision-Making Agreement, who wants their VR information released to the appointed supporter in the form of VR records, must complete a Release of RSA Information form for their appointed supporter.
- D. **Release of VR Information**
1. VR can only release records and information that is purchased or issued by VR, including but not limited to, VR assessments, service vendor reports, and associated documents.
 2. VR cannot release applicant/client information that has been obtained from another agency or organization. Such information may only be released by the agency or organization from which it originated.
 3. Information released by VR must be limited to the extent the information is necessary to achieve the goals for which the information is being provided.

4. Information that VR determines to be potentially harmful to the applicant or client must be released through a third-party source chosen by the applicant/client unless the client has a legal guardian, in which case the information is released to the legal guardian. The third-party can aid the applicant/client inappropriately interpreting the information being provided.
5. The RSA Custodian of Records processes the Release of RSA Information.
6. The RSA Custodian of Records must:
 - a. Begin processing the request for release of RSA records within 24 hours of receipt,
 - b. Include a list of all the requested items with the records sent to the requestor, person, or organization authorized to receive such records,
 - c. Provide a rationale for not sending any of the records included in the original request, when justified, and
 - d. Provide information on how to obtain excluded records from the original request.
7. **Release of VR Information Without Written Consent:** VR may release an applicant's/client's personal information without the applicant's/client's written consent under the following circumstances:
 - a. For purposes directly connected with the management of an applicant's/client's rehabilitation program,
 - b. When authorizing and coordinating an applicant's/client's participation in a VR service,
 - c. To protect the applicant, client, or others when the applicant or client poses an immediate threat to their own safety or the safety of others,
 - d. To report to Adult Protective Services, or any law enforcement officer, any incidents of documented or suspected adult abuse,
 - e. To report abuse, physical injury, neglect, and denial or deprivation of medical or surgical care or nourishment of minors, per Section 2.6 Duty to Report Abuse of a Minor of this manual,
 - f. In response to investigations in connection with law enforcement investigations,
 - g. In response to investigations from the DES Office of Special Investigations (OSI) when OSI is acting in an official capacity on behalf of the Director of DES, and
 - h. In other situations required by law.

E. Request to Amend VR Client Information

1. An applicant/client or their legal guardian who believes that information on the applicant's/client's VR case records is incorrect or misleading may submit a written request to VR to amend the applicant/client information. The request must specify the information they believe is incorrect or misleading in the applicants's/client's VR record(s).
2. VR may approve or deny an applicant's/client's or legal guardian's request for an information amendment.
3. All requests for information amendments and subsequent action must be documented in the applicant/client's electronic case file (ECF).

V. Procedure

- A. Refer to IV. (C)(1-2), (D)(6-7), and (E)(3).
- B. Refer to Standard Work - Request for RSA Records and the RSA Records Request Tip Sheet.
- C. When VR receives a Release of RSA Information form, it must forward the request to the RSA Custodian of Records at RSARecords@azdes.gov within two business days of receipt of the form.
- D. The RSA Custodian of Records will initiate the process to fulfill the Release of RSA Information form request within one business day of receipt of the form.
- E. The RSA Custodian will either send the information as requested by the requestor or provide a rationale for not sending any specific information requested in the Release of RSA Information.
- F. Any requests to amend an applicant's/client's VR records, and the outcome of such request, must be documented in the applicant's/client's ECF.

VI. Documentation Requirements

- A. The applicant's/client's electronic case file must include the following documentation (as applicable):
 1. A Release of RSA Information form, and
 2. A written request for an information amendment.